

REMARKS

In response to the Notice of Non-Compliance dated August 22, 2011, the present Amendment should be substituted for the prior Amendment dated July 1, 2011.

The allowance of claims 1-18, 22-33, 35, 39, 81, 82 and 84-90 is gratefully acknowledged. Withdrawn claims 43-50 and 70-80 have been cancelled without prejudice to the filing of divisional and continuation applications.

Claims 51 and 83 have been amended to obviate the rejections under 35 U.S.C. 112. Applicant notes that the antecedent basis for "the lamp" in claim 62 resides in claim 61.

Claims 51, 60 and 63-69 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Siegmund in view of Allred and further in view of Kurtzer and Santangelo. Claim 59 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Siegmund in view of Allred, Kurtzer and Santangelo and further in view of Ohshiro. Claim 62 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Siegmund in view of Allred, Kurtzer and Santangelo and further in view of Koeda.

Applicants further respectfully traverse the rejected claims based on Siegmund, Allred, Kurtzer and Santangelo. In particular, one skilled in the art would not be motivated to provide Siegmund

device at the claimed size in view of the resulting loss in image size and resolution and thereby compromise diagnostic value. There is also no teaching in the references regarding the use of a cannula with a small diameter disposable device or of a handle incorporating the imaging device. Allred does not teach the use of a disposable component and thus does not disclose or suggest the mounting hub structure of the probe. Claim 51 has been further amended to recite the thickness of the illumination waveguide. Allred also fails to teach or suggest the recited illumination waveguide feature as amended. This feature provides for a larger light collection area relative to the light illumination area. Siegmund also employs a large illumination area for the concentric designs shown in Figs. 6(a) and 9(a) of Siegmund. Applicants note that in reducing the diameter of the device, the relative size of the illumination waveguide has been substantially reduced to be in a range of 0.1 mm to 0.2 mm. Page 7 of the specification, where an example of the wall thickness of the illumination channel is recited has been amended to further recite this range as set forth in claim 10 of the originally filed application. Applicants submit that it would not be obvious to combine the recited features in a small diameter orthopedic imaging device. Reconsideration is respectfully requested.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,
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